HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2154 OF 2005.

Bapurao Devram Gaidhani. ...ApplicanT.

V/s.

The State of Maharashtra. ...Respondent

Shri A.P.Mundargi with Shailesh Kantharia, for applicant.

Shri A.S.Gadkari, APP for respondent.

CORAM: A.M.KHANWILKAR,J
DATE : APRIL 12, 2005

P.C. :-

1. Heard the counsel for the parties.

2. Perused the record.

3. Indeed,the offence in question is serious one, but I find substance in the submission canvassed on behalf of the applicant that the offence registered against the applicant is out of ulterior reasons best know to the complainant.

4. The prosecution case is that the applicant obtained signature on blank paper which was used for transfer of landed property in favour of the applicant.

That signature was allegedly, obtained as back as in 1988. However, the landed property is subject matter of agreement of sale which is registered document executed between the parties on 18th December, 1982. Later on, sale deed has also been executed between the parties for the said property. There are witnesses to the execution of the said document made in favour of the applicant.

5. Viewed in this perspective, the theory of the complainant of transfer of landed property on the basis of signature obtained on blank paper is completely falsified.

6. To get over this position, the learned APP placed reliance on the report of the District Deputy Registrar, Co-operative Society who has stated that the applicant instead of paying cash transferred shares of co-operative society valued at Rs.35,000/- which was impermissible. That however, is a different controversy. The fact remains that the landed property was transferred in terms of the registered document executed in favour of the applicant. The said document has been executed in the presence of the Registrar and one of the witnesses appears to be wife of the first informant, as can be seen from the page 29 at Sr.No.2.

7. Besides, the applicant has placed on record public notice issued at the instance of the applicant before completing transaction in respect of the landed property in question. That was done as back as in 2000, where as the complaint has been registered in 2005.

8. Taking overall view of this case, this is a fit case for anticipatory bail. Accordingly, application is allowed on the following terms.

(i) The applicant is granted anticipatory bail in connection with the C.R.No.I-47/2005 registered with Sinnar Police Station, District Nasik on executing personal bond in the sum of Rs.10,000/- with two local sureties in like amount.

(ii) The applicant shall comply with the condition under section 438(ii) as applicable to State of Maharashtra.